previously received and recorded as provided in the preceding sentence. Insured institutions shall keep records of forward loan commitment contracts and fees for such commitments that are received by it and are taken into current income or credited to deferred income.

(4) The term "acquisition charges" includes finders' fees, buying commissions, attorneys' fees, and brokerage fees paid by an insured institution in connection with the making or acquisition of a loan or commitment, but does not include a premium paid by such institution in connection with the purchase of a loan.

(5) The term "affiliate" means any person or company which controls, is controlled by, or is under common control with an insured institution within the meaning of subsection (a)(3) of section 408 of the National Housing Act, as amended.

(6) The term "book value" means the total amount invested in real estate less any related depreciation allowances or valuation reserves.

(7) The term "loss" means the amount by which the unpaid principal balance of the loan (net of unamortized premiums, discounts, or deferred acquisition credits) or the book value of the real estate exceeds, at the time such loan or real estate is sold, the sales price of such loan or real estate.

(8) The term "profit" means the amount by which the sales price of the loan or real estate exceeds, at the time such loan or real estate is sold, the unpaid principal balance of such loan (net of unamortized premiums, discounts, or deferred acquisition credits) or the book value of such real estate.

(9) The term "approved method" means any one of the following methods for computing amortization of a capitalized premium or for recognizing deferred income:

(i) "Straight-line" method, as described in § 1.167(b)–1 of the Federal income tax regulations (26 CFR 1.167(b)–1);

(ii) "Sum-of-the-years-digits" method, as described in § 1.167(b)–3 of the Federal income tax regulations (26 CFR 1.167(b)–3); and

(iii) "Level-yield" or "interest" method, by which income is debited or credited so as to yield, throughout the amortization period, a uniform rate of return on the investment after discount or premium.

PART 563c—ACCOUNTING REQUIREMENTS

2. Revise paragraph (b) of § 563c.13, to read as follows:

§ 563c.13 Accounting for investment in service corporation.

* * * * *

(b) For purposes of this section, when applying the provisions of § 563.23–1 of this Chapter, any loans made or committed to be made to the purchaser of the real estate, or any such loan acquired or committed to be acquired by the insured institution or any affiliate, as defined in § 563.23–1(g)(5), shall be considered as if they were made directly by the service corporation: *Provided,* that this paragraph shall not apply if not more than ten percent of the stock of the service corporation is owned by the insured institution that is providing the financing or that has subsequently acquired the mortgage or security property.

(Secs. 402, 403, 407 (12 U.S.C. 1725, 1726, 1730; 48 Stat. 1256, 1257, 1260), as amended. Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82–1667 Filed 1–21–82; 8:45 am]

BILLING CODE 6720–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1214

Space Transportation System; the Authority of the Space Transportation System (STS) Commander

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: National Aeronautics and Space Administration (NASA) is revising its final rule, 14 CFR Part 1214, Subpart 7, "Space Transportation System; The Authority of the Space Transportation System (STS) Commander," by adding a new paragraph (d) to § 1214.703 which states that if the Director of the Johnson Space Center determines that the Commander is unable to carry out command responsibilities, the Director shall relieve the Commander from command, and designate the pilot or another flight crew member as Commander.

DATES: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert T. O'Neil, 202–755–2424.

SUPPLEMENTARY INFORMATION: On March 7, 1980, NASA published its final rule 14 CFR Part 1214, Subpart 7 (45 FR 14845–14846), setting forth the Authority of the Space Transportation System (STS) Commander. At a hearing of the Committee on Science and Technology (which was held after the final rule was published), Congressman Fuqua expressed his concern about who would make the determination to relieve the Commander if the Commander was found to be psychologically or physically unable to make reentry or to complete the assigned mission. As a result of this hearing, NASA decided to amend the rules and make the Director of the Johnson Space Center responsible for relieving the Commander. Since this action is administrative and editorial in nature, notice and comment procedures are not required.

PART 1214—SPACE TRANSPORTATION SYSTEM

14 CFR Part 1214, Subpart 7, is amended by adding a new paragraph (d) to § 1214.703 reading as follows:

§ 1214.703 Chain of command.

* * * * *

(d) The determinations, if any, that a crew member in the chain of command is not able to carry out his or her command duties and is therefore to be relieved of command, and that another crew member in the chain of command is to succeed to the responsibilities and authority of the Commander, will be made by the Director of the Johnson Space Center.

(Pub. L. 85–568; 72 Stat. 426; 42 U.S.C. 2473, 2455; 18 U.S.C. 799; Art. VIII, TIAS 6347 (18 U.S.T. 2410)

Dated: December 24, 1981.

James M. Beggs,

Administrator.

[FR Doc. 82–1612 Filed 1–21–82; 8:45 am]

BILLING CODE 7510–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 1

Procedures for Implementation of the National Environmental Policy Act of 1969

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission is adopting new rules for implementing the procedural provisions of the National Environmental Policy Act. The rules provide that it is the Commission's policy to comply with the Council on Environmental Quality regulations (40 CFR Parts 1500–1508). The rules set forth supplementary definitions and procedures to be applied in conjunction with the Council's regulations.

EFFECTIVE DATE: February 22, 1982.

FOR FURTHER INFORMATION CONTACT: Jerold D. Cummins, Deputy Assistant General Counsel, Office of the General Counsel, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580 (202–523–1928).

SUPPLEMENTARY INFORMATION: The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, requires all federal agencies to give appropriate consideration to the environmental effects of their proposed actions in their decisionmaking and to prepare detailed environmental statements on proposals for legislation significantly affecting the quality of the human environment and on other major federal actions significantly affecting the quality of the human environment. The Council on Environmental Quality (CEQ) issued regulations to implement the procedural provisions of NEPA (codified at 40 CFR Part 1500–1508) under the direction of Executive Order No. 11991. These regulations require all agencies to prepare supplemental procedures as necessary to implement the regulations (§ 1507.3). Although it is the Commission's position that these regulations are not binding on it, the Commission's policy is to comply fully with the CEQ regulations unless it determines in a particular instance or for a category of actions that compliance would not be consistent with the requirements of law.

In the **Federal Register** of July 20, 1979 (45 FR 42712–14), the Commission proposed procedures to implement and supplement CEQ's regulations. Only one substantive comment was received. The commenter challenged that part of proposed rule § 1.82(a) which, like its counterpart in existing 16 CFR 1.82(d), construes the environmental impact provision of NEPA (42 U.S.C. 102(2)(C)) as not applying to law enforcement proceedings. The Commission in the past has rejected arguments that the impact statement requirements are applicable at any stage of a law enforcement proceeding. *Coca-Cola Co.*, 91 F.T.C. 517, 666–67 (1978), *order vacated and case remanded on other grounds*, 642 F.2d 1387 (D.C. Cir. 1981); *Jim Walter Corp.*, 91 F.T.C. 514, 516 (1970), *order vacated and case remanded on other grounds*, 625 F.2d 676 (5th Cir. 1980). The issue has been raised but not decided in other court proceedings. See, *e.g.*, *Gifford-Hill & Co.* v. *FTC*, 523 F.2d 730 (D.C. Cir. 1975); *Mobil Oil Corp.* v. *FTC*, 562 F. 2d 170 (2d Cir. 1977). As provided in the rules issued today, the Commission adheres to its view that Congress did not intend that the environmental impact statement requirement of section 102(2)(C) of NEPA be applicable to the bringing of law enforcement proceedings. This position is also set forth in CEQ Regulation § 1508.18(a). Ordinarily, final disposition of such matters, whether by adjudication or consent order proceedings, will not significantly affect the quality of the human environment. In the rare event that the Commission in such proceedings might actively contemplate final relief, or the promulgation of standards, which may have a significant environmental effect, the rules provide (§ 1.82(a)) that the Commission will, when consistent with the requirements of law, provide for the preparation of an environmental assessment or an environmental impact statement or such other action as will permit the Commission to assess alternatives with a view toward avoiding or minimizing any adverse effect upon the environment.

Text of the Rules: Part 1 of 16 CFR Chapter I, Subpart I, is revised to read in its entirety as follows:

PART 1—GENERAL PROCEDURES

* * * * *

Subpart I—Procedures for Implementation of the National Environmental Policy Act of 1969

Sec.

1.81 Authority and incorporation of CEQ regulations.
1.82 Declaration of policy.
1.83 Whether to commence the process for an Environmental Impact Statement.
1.84 Draft Environmental Impact Statements: Availability and comment.
1.85 Final Environmental Impact Statements.
1.86 Supplemental statements.
1.87 NEPA and agency decisionmaking.
1.88 Implementation procedures.
1.89 Effect on prior actions.

* * * * *

Subpart I—Procedures for Implementation of the National Environmental Policy Act of 1969

Authority: 15 U.S.C. 46(g), 42 U.S.C. 4371 *et seq.*

§ 1.81 Authority and Incorporation of CEQ Regulations.

This subpart is issued pursuant to 102(2) of the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4371 *et seq.*). Pursuant to Executive Order 11514 (March 5, 1970, as amended by Executive Order 11991, May 24, 1977) the Council on Environmental Quality (CEQ) has issued comprehensive regulations for implementing the procedural provisions of NEPA (43 FR 55978–56007) ("CEQ Regulations"). Although it is the Commission's position that these regulations are not binding on it, the Commission's policy is to comply fully with the CEQ Regulations unless it determines in a particular instance or for a category of actions that compliance would not be consistent with the requirements of law. With this caveat, the Commission incorporates into this subpart the CEQ Regulations. The following are supplementary definitions and procedures to be applied in conjunction with the CEQ Regulations.

§ 1.82 Declaration of policy.

(a) Except for actions which are not subject to the requirements of section 102(2)(C) of NEPA, no Commission proposal for a major action significantly affecting the quality of the human environment will be instituted unless an environmental impact statement has been prepared for consideration in the decisionmaking. All relevant environmental documents, comments, and responses as provided in this subpart shall accompany such proposal through all review processes. "Major actions, significantly affecting the quality of the human environment" referred to in this subpart "do not include bringing judicial or administrative civil or criminal enforcement actions" CEQ Regulation (40 CFR 1508.18(a)). In the event that the Commission in an administrative enforcement proceeding actively contemplates the adoption of standards or a form of relief which it determines may have a significant effect on the environment, the Commission will, when consistent with the requirements of law, provide for the preparation of an environmental assessment or an environmental impact statement or such other action as will permit the Commission to assess alternatives with a view toward avoiding or minimizing any adverse effect upon the environment.

(b) No Commission proposal for legislation significantly affecting the quality of the human environment and concerning a subject matter in which the Commission has primary responsibility will be submitted to Congress without an accompanying environmental impact statement.

(c) When the Commission finds that emergency action is necessary and an environmental impact statement cannot be prepared in conformance with the CEQ Regulations, the Commission will consult with CEQ about alternative arrangements in accordance with CEQ Regulation (40 CFR 1506.11).

§ 1.83 Whether to commence the process for an Environmental Impact Statement.

(a) The Bureau responsible for submitting a proposed rule, guide, or proposal for legislation to the Commission for agency action shall, after consultation with the Office of the General Counsel, initially determine whether or not the proposal is one which requires an environmental impact statement. Except for matters where the environmental effects, if any, would appear to be either (1) clearly significant and therefore the decision is made to prepare an environmental impact statement, or (2) so uncertain that environmental analysis would be based on speculation, the Bureau should normally prepare an "environmental assessment" CEQ Regulation (40 CFR 1508.9) for purposes of providing sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact. The Bureau should involve environmental agencies to the extent practicable in preparing an assessment. An environmental assessment shall be made available to the public when the proposed action is made public along with any ensuing environmental impact statement or finding of no significant impact.

(b) If the Bureau determines that the proposal is one which requires an environmental impact statement, it shall commence the "scoping process" CEQ Regulation (40 CFR 1501.7) except that the impact statement which is part of a proposal for legislation need not go through a scoping process but shall conform to CEQ Regulation (40 CFR 1506.8). As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process, the Bureau shall publish a notice of intent as provided in CEQ Regulations (40 CFR 1501.7 and 1508.22).

(c) If, on the basis of an environmental assessment, the determination is made not to prepare a statement, a finding of "no significant impact" shall be made in accordance with CEQ Regulation (40 CFR 1508.3) and shall be made available to the public as specified in CEQ Regulation (40 CFR 1506.6).

§ 1.84 Draft environmental impact statements: Availability and comment.

Except for proposals for legislation, environmental impact statements shall be prepared in two stages: Draft statement and final statement.

(a) *Proposed rules or guides.* (1) An environmental impact statement, if deemed necessary, shall be in draft form at the time a proposed rule or guide is published in the **Federal Register** and shall accompany the proposal throughout the decisionmaking process.

(2) The major decision points with respect to rules and guides are:

(i) Preliminary formulation of a staff proposal;

(ii) The time the proposal is initially published in the **Federal Register** as a Commission proposal;

(iii) Presiding officer's report (in trade regulation rule proceedings);

(iv) Submission to the Commission of the staff report or recommendation for final action on the proposed guide or rule;

(v) Final decision by the Commission. The decision on whether or not to prepare an environmental impact statement should occur at point (i). The publication of any draft impact statement should occur at point (ii). The publication of the final environmental impact statement should occur at point (iv).

(b) *Legislative proposals.* In legislative matters, a legislative environmental impact statement shall be prepared in accordance with CEQ Regulation (40 CFR 1506.8).

(c) In rule or guide proceedings the draft environmental impact statement shall be prepared in accordance with CEQ Regulation (40 CFR 1502.9) and shall be placed in the public record to which it pertains; in legislative matters, the legislative impact statement shall be placed in a public record to be established, containing the legislative report to which it pertains; these will be available to the public through the Office of the Secretary and will be published in full with the appropriate proposed rule, guide, or legislative report; such statements shall also be filed with the Environmental Protection Agency's (EPA) Office of Environmental Review (CEQ Regulation (40 CFR 1506.9) for listing in the weekly **Federal Register** Notice of draft environmental impact statements, and shall be circulated, in accordance with CEQ Regulations (40 CFR 1502.19, 1506.6) to appropriate federal, state and local agencies.

(d) Forty-five (45) days will be allowed for comment on the draft environmental impact statement, calculated from the date of publication in the EPA's weekly **Federal Register** list of draft environmental impact statements. The Commission may in its discretion grant such longer period as the complexity of the issues may warrant.

§ 1.85 Final environmental impact statements.

(a) After the close of the comment period, the Bureau responsible for the matter will consider the comments received on the draft environmental impact statement and will put the draft statement into final form in accordance with the requirements of CEQ Regulation (40 CFR 1502.9(b)), attaching the comments received (or summaries if response was exceptionally voluminous).

(b) Upon Bureau approval of the final environmental impact statement the final statement will be

(1) Filed with the EPA;

(2) Forwarded to all parties which commented on the draft environmental impact statement and to other interested parties, if practicable;

(3) Placed in the public record of the proposed rule or guide proceeding or legislative matter to which it pertains;

(4) Distributed in any other way which the Bureau in consultation with CEQ deems appropriate.

(c) In rule and guide proceedings, at least thirty (30) days will be allowed for comment on the final environmental impact statement, calculated from the date of publication in the EPA's weekly **Federal Register** list of final environmental impact statements. In no event will a final rule or guide be promulgated prior to ninety (90) days after notice of the draft environmental impact statement, except where emergency action makes such time period impossible.

§ 1.86 Supplemental statements.

Except for proposals for legislation, as provided in CEQ Regulation (40 CFR 1502.9(c)), the Commission shall publish supplements to either draft or final environmental statements if: (a) The Commission makes substantial changes in the proposed action that are relevant to environmental concerns; or (b) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action and its impacts. In the course of a trade regulation rule proceeding, the supplement will be placed in the rulemaking record.

§ 1.87 NEPA and agency decisionmaking.

In its final decision on the proposed action or, if appropriate, in its recommendation to Congress, the Commission shall consider all the alternatives in the environmental impact statement and other relevant environmental documents and shall prepare a concise statement which, in accordance with CEQ Regulation § 1505.2, shall

(a) Identify all alternatives considered by the Commission in reaching its decision or recommendation, specifying the alternatives which were considered to be environmentally preferable;

(b) State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not.

§ 1.88 Implementing procedures.

(a) The General Counsel is designated the official responsible for coordinating the Commission's efforts to improve environmental quality. He will provide assistance to the staff in determining when an environmental impact statement is needed and in its preparation.

(b) The Commission will determine finally whether an action complies with NEPA.

(c) The Directors of the Bureaus of Consumer Protection and Competition will supplement these procedures for their Bureaus to assure that every proposed rule and guide is reviewed to assess the need for an environmental impact statement and that, where need exists, an environmental impact statement is developed to assure timely consideration of environmental factors.

(d) The General Counsel will establish procedures to assure that every legislative proposal on a matter for which the Commission has primary responsibility is reviewed to assess the need for an environmental impact statement and that, where need exists, and environmental impact statement is developed to assure timely consideration of environmental factors.

(e) Parties seeking information or status reports on environmental impact statements and other elements of the NEPA process, should contact the Assistant General Counsel for Litigation and Environmental Policy.

§ 1.89 Effect on prior actions.

It is the policy of the Commission to apply these procedures to the fullest extent possible to proceedings which are already in progress.

By direction of the Commission dated January 5, 1982.

Carol M. Thomas,

Secretary.

[FR Doc. 82-1546 Filed 1-21-82; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-6375, File No. S7-890]

Automatic Effectiveness of Post-Effective Amendments Filed by Investment Companies

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of amendments to rule.

SUMMARY: The Securities and Exchange Commission is adopting today amendments to the rule governing automatic effectiveness of post-effective amendments to registration statements filed by registered open-end management investment companies and unit investment trusts, other than insurance company separate accounts. The amendments provide that, under certain conditions, the filing of a post-effective amendment containing a prospectus during the pendency of a prior post-effective amendment relating to the same prospectus would not prevent the prior amendment from becoming effective automatically. The Commission is adopting these amendments primarily to facilitate the process by which an open-end investment company updates its prospectus in order to use the prospectus as the equivalent of an annual report to shareholders.

EFFECTIVE DATE: January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Kathleen A. Jackson, Special Counsel, (202) 272-2115 or Susan P. Hart, Attorney, (202) 272-2098, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On July 14, 1981 the Commission published for comment amendments to paragraphs (b) and (d) of rule 465 [17 CFR 230.465] under the Securities Act of 1933 ("1933 Act") [15 U.S.C. 77a et seq.].[1] The Commission received two comment letters relating to the proposal. Both commentators supported the proposed amendments, however, each suggested additional changes to the rule. The additional revisions suggested by the commentators have been addressed by the Commission in a release proposing a new rule, 466, under the 1933 Act and additional amendments to rule 465.[2] The Commission today is adopting the proposed amendments without change.

The amendments to rule 465(d) provide that the filing of a post-effective amendment containing a prospectus during the pendency of a prior post-effective amendment relating to the same prospectus would not suspend the sixty-day waiting period initiated by the filing of the prior amendment, provided that the subsequent amendment is filed pursuant to paragraph (b) of rule 465 and that it designates as its effective date the same day as the anticipated effective date of the prior filing. Paragraph (b) of rule 465, as amended, makes the subsequent amendment eligible for filing under that provision.

The amendments to rule 465 permit an investment company to file a post-effective amendment under paragraph (a) which contains an updated narrative portion of its prospectus but no updated financial statements, and then, before such amendment has become effective, to file a subsequent post-effective amendment pursuant to paragraph (b) containing updated financial statements in addition to the updated narrative. The two amendments would become effective simultaneously, the same day as the anticipated effective date of the amendment filed under paragraph (a). These changes are intended to facilitate the process by which an investment company brings its prospectus up to date when it has experienced a material event requiring disclosure under paragraph (a) but does not have complete or updated financial statements sixty days prior to the desired date of effectiveness.

Any subsequent amendment filed pursuant to paragraph (b) of rule 465, of course, must meet the criteria set forth in the amended rule for filing pursuant to that section. When a post-effective amendment is filed under paragraph (a) and the registrant intends to file an amendment under paragraph (b) to update the financial statements in the prospectus while the filing under paragraph (a) is still pending, the registrant should state in a cover letter that a post-effective amendment to update the financial statements will be filed pursuant to paragraph (b) and on what approximate date the registrant anticipates that such amendment will be filed. In addition, to facilitate the review process, the registrant should state in a cover letter accompanying the subsequent filing under paragraph (b) that it is filed for the purpose of updating the financial statements of a prospectus for which a post-effective amendment is pending under paragraph (a), and the date on which the post-

[1] Securities Act Release No. 6327 (July 8, 1981) [46 FR 36195, July 14, 1981]

[2] Securities Act Release No. 6376 published under rules and regulations in this issue.